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SOUTH CAROLINA OFFICE OF INDIGENT DEFENSE

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Tyre D. Lee, Jr., Esq., Executive Director
Lisa A. Davenport, Administrative Assistant

October 21, 1998

Office of State Budget
Attn.: Karen Amos
1122 Lady Street, 12th Floor
Columbia, SC 29201

RE: Annual Accountability Report, Letter of Transmittal

Dear Ms. Amos:

Enclosed, please find a copy of this Agency's Annual Accountability Report for Fiscal Year 1997-1998.

This Agency's Mission Statement was chosen by the Commission late in 1993 after an examination of the statutory requirements of the agency and a determination of the direction in which the Commission wanted the agency to proceed. Once this statement was finalized, it was broken down into separate actions which the agency could develop and work with once it became operational. These activities became the objectives of the Agency. At the end of each year, the Commission reviews the activities to determine if these goals have been met and where improvement and change are needed.

I realize that this transmittal letter does not go into great detail about what is done, but again, with an agency this small and structured primarily to disburse money by formula or statute, there is not a great deal to explain. If you have any questions, please don't hesitate to contact me at 734-1343.

Sincerely yours,

TYRE D. LEE, JR.
Executive Director

TDL/cp

ENCLOSURE:

Annual Accountability Report

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Budget & Control Board
OFFICE OF STATE BUDGET

SC COMMISSION ON INDIGENT DEFENSE

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ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 1997-1998

EXECUTIVE SUMMARY:

The Commission on Indigent Defense and its operational arm, the Office of Indigent Defense, were created in 1993. The main focus of the creation of the Commission was to improve the delivery of indigent criminal defense in the state and to provide additional funding to lighten the burden on the counties which were facing extraordinary expenses in capital litigation.

The Office of Indigent Defense, through its annual survey attempts to accurately determine what programs are presently located in the counties and how they are functioning.

The office has evaluated the present criteria used in the determination of indigence and qualifications for services of the offices of Public Defenders and other appointed counsel. The present process was initiated in 1982 and had not been changed since that time even though both income and what constitutes poverty have risen. The Agency adopted an evaluation which is based on the poverty level in South Carolina which is more in line with other state agencies determinations of indigency.

The Office of Indigent Defense administers the distribution of funding for indigent defense. This involves payments to the individual Defender Corporations of money earmarked for such in the annual appropriations act and supplemental or additional funds collected from fines and fees. In addition to these funds, the office also makes payments to private attorneys appointed to represent indigent defendants in both capital and non capital cases.

Finally, the Office participated in training programs for the Public Defender offices across the State with the SC Public Defenders Association, and provides information on expert witnesses and other sources of expertise when called upon to do so by Public Defenders and appointed counsel.

In fiscal year 1997-1998, this Agency became responsible for collecting and disbursing funds generated by an increase in the court filing fees for civil cases to the State's Legal Aid offices. The Agency only serves as a conduit for these funds, collecting them monthly and disbursing them twice a year.

Unfortunately, because of this Agency's size and the uniqueness of its mission, there is almost no ability to coordinate or cooperate with other state agencies.

MISSION STATEMENT:

The Office of Indigent Defense establishes and monitors programs and services for the delivery of legal representation of indigent defendants in State Court. The office establishes criteria to be used in the determination of indigence and qualifications for services of the offices of Public Defenders and administers appropriate distribution of funding for indigent defense. Additionally, the office establishes and supervises training programs for the Public Defender offices across the State as well as implementing a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices and serves as a clearing house and distribution source for publications and materials involving indigent criminal defense.

DESCRIPTION OF PROGRAMS:

Priority Ranking: Priority # 1

Program Name: Administration

Program Cost:

The Commission receives funding from two sources to administer this program. These being State appropriations and from "other" sources. The "other" sources are a fine surcharge or add on imposed by statute on all criminal offenses with the exception of non moving traffic violations, and a application fee payable by all persons who seek appointment of counsel in the judicial system. State funding was appropriated at \$2,438,650. The Other Funds sources produced funding in the amount of \$7,215,108.91.

Program Goal:

The Office of Indigent Defense is to establish and monitor programs and services for the delivery of legal representation of indigent defendants in State Courts. The office will establish criteria to be used in the determination of indigence and qualifications for services of the offices of Public Defenders and administer appropriate distribution of funding for indigent defense. Additionally, the office will establish and supervise training programs for the Public Defender offices across the State as well as implement a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices and serve as a clearing house and distribution source for publications and materials involving indigent criminal defense.

Program Objectives:

- To establish and monitor programs and services for the delivery of legal representation of indigent defendants in State Courts;
- To establish criteria to be used in the determination of indigence and qualifications for services from the offices of Public Defenders;
- To administer appropriate distribution of funding for indigent defense;
- To establish and supervise training programs for the Public Defender offices;
- To implement a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices;
- To serve as a clearing house and distribution source for publications and materials involving indigent criminal defense.

Performance Measures:

- Compiled and analyzed statistical data relating to costs of capital and non capital cases in this state;
- Distributed \$ 4.6 million to the state's Public Defender offices for operating expenses, \$2.2 million in private attorney fees and for expenses in capital cases, \$1.5 million in private attorney fees and for expenses in non capital cases, and \$237,000 for transcripts in indigent appeals;
- In conjunction with the SC Public Defender's Association, aided and participated in training programs for the state's Public Defenders;

- Compiled and analyzed statistical data relating to the operation of the state's 39 Public Defender Offices;
- Provided resources and information when requested to the state's Public Defender offices and to private appointed attorneys representing indigent defendants;
- Evaluated and established a new standard of indigency for persons charged with criminal offences in the State.

Priority Ranking: Priority # 2

Program Name: Legal Aid Funding

Program Cost:

The Commission receives funding from a percentage of the civil filing fees collected by the State Treasurer monthly and holds these funds pending a biannual distribution to the state's five Legal Services offices. This source produced funding in the amount of \$1,184,117.62 last fiscal year.

Program Goal:

The Office of Indigent Defense collects these funds monthly, holds them, and then makes disbursements to each of five Legal Services offices of the monies collected on December 31st and June 30th of each year.

Program Objectives:

- To collect, hold and disburse these funds in the amounts and to the entities prescribed by the S.C. Legal Services Association as prescribed by

Performance Measures:

- Distributed \$ 1.2 million to the state's five Legal Services offices for operating expenses.